

**A. GENERAL ELIGIBILITY CONDITIONS**

**Purpose:** This section provides the general rules on how citizenship or alien status affects a person's eligibility for Temporary Assistance to Needy Families (TANF), federal Food Stamps, General Assistance, ADATSA, and medical benefits.

**WAC 388-424-0005 Citizenship and alien status--General eligibility conditions.**

- (1) To receive benefits for temporary assistance for needy families (TANF), Medicaid, and federal food stamps, persons must be:
  - (a) U.S. citizens;
  - (b) U.S. nationals; or
  - (c) Qualified aliens who meet the additional conditions described in WAC 388-424-0010 relative to TANF and Medicaid and WAC 388-424-0020 relative to federal food stamps.
- (2) Qualified aliens are aliens:
  - (a) Who are lawful permanent residents under the Immigration and Nationality Act (INA);
  - (b) Who are granted asylum under section 208 of the INA;
  - (c) Who are paroled into the U.S. under section 212(d)(5) of the INA for at least one year;
  - (d) Who are admitted to the U.S. as refugees under section 207 of the INA;
  - (e) Who are aliens whose deportation is being withheld under section 243(h) of the INA;
  - (f) Who are granted conditional entry into the U.S. under section 203(a)(7) of the INA as in effect prior to April 1, 1980;

(g)	Who are Cuban and Haitian entrants as defined in section (501)(e) of the Refugee Education Assistance Act of 1980; or
(h)	Who are victims of domestic violence, or whose children are victims of domestic violence, when:
(i)	The domestic violence is committed in the U.S. by the alien's spouse, parent, or a member of the spouse or parent's family residing in the same household as the alien; and
(ii)	In situations where the children are the victims of domestic violence, the alien did not actively participate in the violence against his or her own children; and
(iii)	The alien no longer resides with the person who committed the domestic violence; and
(iv)	There is a substantial connection between the domestic violence and the need for public assistance benefits; and
(v)	The alien has an application with the Immigration and Naturalization Service (INS) either approved or pending for:
(A)	Legal immigration status under sections 204(a)(1)(A)(iii)(I) and 204 (a)(1)(A)(iv) of the INA; or
(B)	Suspension of deportation or cancellation of removal under section 244(a)(3) of the INA.
(3)	To receive benefits under the general assistance and ADATSA programs, persons must be:
(a)	U.S. citizens;
(b)	U.S. nationals;
(c)	Qualified aliens; or
(d)	Aliens permanently residing in the U.S. under color of law (PRUCOL).

- (4) Aliens are considered to be PRUCOL when they are permanently residing in the U.S., who do not meet the definition of a qualified alien as defined in subsection (2) of this section, and:
  - (a) The INS knows they are residing in the U.S., and
  - (b) The INS is not likely to enforce their departure.
- (5) During the application process, one of the following persons must indicate on the application for benefits whether each household member is a U.S. citizen or qualified alien:
  - (a) An adult applicant in the household; or
  - (b) The person applying for benefits when there are no adults in the household.

**CLARIFYING INFORMATION**

1. U.S. nationals are persons who are not citizens, but who owe permanent allegiance to the U.S. Examples of U.S. nationals include persons who are born in American Samoa or the Swains Islands.
2. There is not a specific definition for an alien who is considered to be permanently residing in the U.S. under color of law (PRUCOL) in immigration law as it is not a distinct immigration classification. Eligibility of PRUCOL aliens for public assistance benefits is based on decisions arising from case law. Examples of PRUCOL aliens include:
  - a. Persons who have applied for immigration benefits and whose departure the INS does not contemplate enforcing, such as applicants for asylum, applicants for withholding of deportation, applicants for adjustment of status, aliens granted voluntary departure for a definite time, aliens who have applied for status under the Violence Against Women Act, and relatives of a U.S. citizen with an approved I-130 petition;
  - b. Lawful temporary residents under the amnesty program of the Immigration

Reform and Control Act (IRCA);

- c. Aliens granted permission to remain in the U.S., including those granted indefinite voluntary departure, deferred action, suspension of deportation, cancellation of removal, order of supervision, Family Unity and deferred enforced departure;
- d. Persons paroled into the U.S. for a period of one year or less;
- e. Aliens residing in the U.S. since January 1, 1972; and
- f. Other aliens residing in the U.S. with INS knowledge and whose departure the INS does not contemplate enforcing.

## **WORKER RESPONSIBILITIES**

- 1. Obtain proof of:
  - a. Citizenship, if questionable; or
  - b. Alien status, if one or more members of the household are aliens.

See **VERIFICATION** chapter for verification procedures.
- 2. Examples of documents which may be used to establish citizenship or alien status include:
  - a. Certified state, county or hospital birth certificates;
  - b. Documents from the INS;
  - c. Voter registration card;
  - d. Military discharge papers;
  - e. U.S. passport; and
  - f. Records of American Indian tribes or bands.

3. The National Immigration Law Center publishes a current table of the **Typical Documents Used by Categories of "Qualified" Immigrants**.  
(See the Eligibility Manual at: [http://www1.dshs.wa.gov/esa/eazmanual/Sections/CitizenAppendix\\_I.htm](http://www1.dshs.wa.gov/esa/eazmanual/Sections/CitizenAppendix_I.htm) for this table in pdf format.) The table is not a complete list of alien statuses and verifications. If you encounter a client with a status or document that is not on this list, or a client claims legal status but has no supporting documentation, please contact either Joanie Scotson (regarding medical eligibility) or Tom Berry (regarding cash or food assistance).  
  
Joanie Scotson can be reached at 360-725-1330 or [scotsjk@dshs.wa.gov](mailto:scotsjk@dshs.wa.gov)  
Tom Berry can be reached at 360-413-3102 or [berrytj@dshs.wa.gov](mailto:berrytj@dshs.wa.gov)
4. When requesting information necessary to determine citizenship or alien status, be sensitive to the right of clients not to be discriminated against on the basis of race, color, or national origin. All similarly situated clients should be treated in the same manner. For example, while it is necessary to clarify questionable information to establish eligibility, clients should not be singled out for closer scrutiny simply because they look or sound foreign.